

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No.: 18-cr-029-wmc

MARK E. BARTZ,

Defendant.

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PRELIMINARY ORDER OF FORFEITURE

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Based upon the motion of the United States, the entire file in this case, and good cause appearing, the Court finds that:

1. On February 15, 2018, a federal grand jury sitting in Madison, Wisconsin returned an indictment against defendant Mark E. Bartz. Count one of the indictment charged that on or about July 3, 2017 the defendant knowingly and intentionally used a minor, Minor A, to engage in sexually explicit conduct for the purpose of producing a visual depiction of such conduct, using materials that had previously been transported in interstate and foreign commerce, specifically, the defendant used a ZTE Z812 cellular phone to produce a visual depiction, an image with a file name that includes a number beginning with 41973, of Minor A engaged in sexually explicit conduct, in violation of Title 18, United States Code, Section 2251(a). Count Two charged that on or about June 26, 2017, the defendant knowingly and intentionally used a minor, Minor B, to engage in sexually explicit conduct for the purpose of producing a visual depiction of such conduct, using materials that had previously

been transported in interstate and foreign commerce, specifically, the defendant used a ZTE Z812 cellular phone to produce a visual depiction, an image with a file name that includes a number beginning with 41979, of Minor B engaged in sexually explicit conduct, in violation of Title 18, United States Code, Section 2251(a). Count Three charged that on or about September 3, 2017, the defendant, knowingly and intentionally used a minor, Minor B, to engage in sexually explicit conduct for the purpose of producing a visual depiction of such conduct, using materials that had previously been transported in interstate and foreign commerce, specifically, the defendant used a ZTE Z812 cellular phone to produce a visual depiction of Minor B, an image with a file name that includes a number beginning with 41925, engaged in sexually explicit conduct, in violation of Title 18, United States Code, Section 2251(a). The indictment also contained a forfeiture allegation for the forfeiture of:

- a. any and all visual depictions which contain images which are or appear to be child pornography, together with the storage media in which they are contained; and
- b. any and all property used or intended to be used to commit or to promote the commission of the aforementioned offense, including a ZTE Z812.

3. On July 3, 2018, the defendant pleaded guilty to Counts One and Two of the indictment. In the plea agreement, the defendant agreed to the forfeiture of any electronic device seized by the FBI on January 25, 2018.

IT IS THEREFORE ORDERED:

1. That based upon Mark E. Bartz's plea, and pursuant to Title 18, United States Code, Section 2253; Title 21, United States Code, Section 853; and Rule 32.2 of the

Federal Rules of Criminal Procedure, the defendant forfeits to the United States his right, title, and interest in the following:

- a. any and all visual depictions which contain images which are or appear to be child pornography, together with the storage media in which they are contained, including books and magazines, seized from the defendant's residence; and
- b. any and all property used or intended to be used to commit or to promote the commission of the aforementioned offense, including a LG M150 Cell Phone, serial number ending in 8459; a ZTE Z812 Cell Phone, IMEI number ending in 0315; a HP dx2000MT Desktop Computer, serial number ending in 09TF; a Seagate 40 GB Hard Drive (inside the HP), serial number ending in 6L6T; a Memorex 700MN CD-R, serial number ending in 0236; a HP Compaq 6000 Pro Desktop Computer, serial number ending in 0469; and a Samsung 160GB Hard Drive (inside HP), serial number ending in 4727.

2. The government is directed to seize and take custody of the above-referenced property.

3. Pursuant to 21 U.S.C. § 853 (n), as incorporated by 18 U.S.C. § 2253(b), the United States shall publish notice of the order and of its intent to dispose of property in such a manner as the Attorney General may direct. Any other person, other than the defendant, having or claiming a legal interest in any of the forfeited property must file a petition with the Court within thirty days of final publication notice or receipt of actual notice, whichever is earlier.

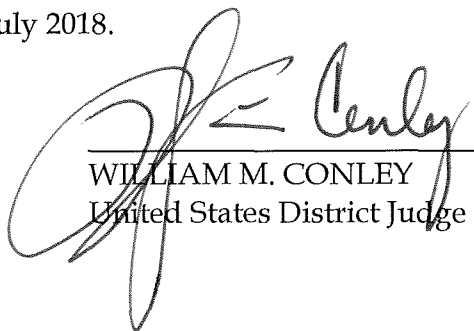
a. The petition shall be for a hearing to adjudicate the validity of a petitioner's alleged interest in the forfeited asset, shall be signed by the petitioner under penalty of perjury, and shall set forth the nature and extent of the petitioner's right, title,

or interest in the forfeited asset and any additional facts supporting the petitioner's claim and the relief sought.

b. The United States may also, to the extent practicable, provide direct written notice to any person who has an alleged interest in the forfeited asset, as a substitute for published notice.

4. Upon adjudication of any and all third party interests, this Court will enter a Final Order of Forfeiture, pursuant to Title 21, United States Code, Section 853(n), in which all interests will be addressed.

ORDERED this 16th day of July 2018.



WILLIAM M. CONLEY  
United States District Judge